

ZB# 07-59

Dominick Nisi

66-1-11

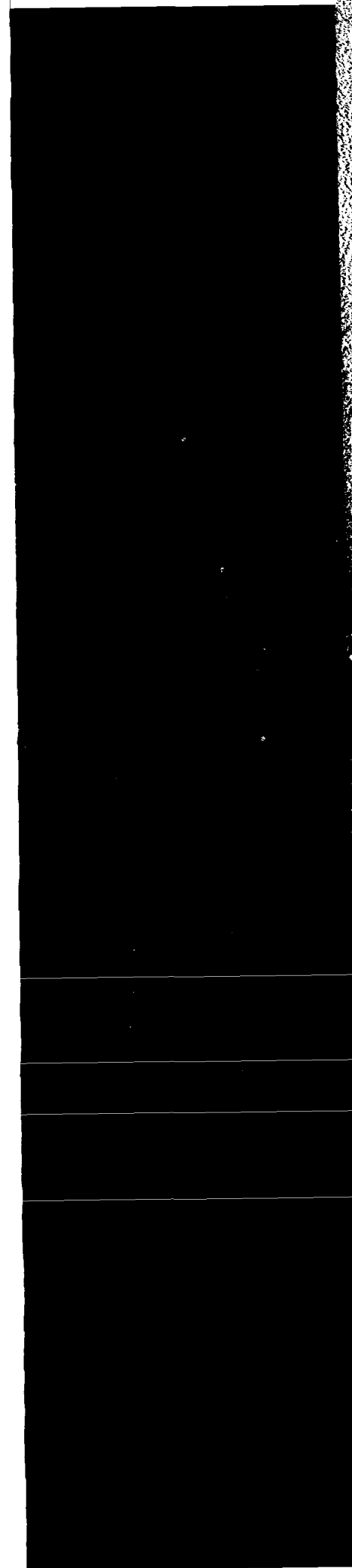
ZBA

07-59

Dominic Nisi - Area 66-1
725 Mt. Airy Rd

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553
Closed May, 08







**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: October 12, 2007

**APPLICANT: Dominick Nisi
725 Mt. Airy Road
New Windsor, NY 12553**

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 10/12/07


FOR: 12' x 12' SIDE DECK

LOCATED AT: 725 Mt. Airy Road, New Windsor NY 12553

ZONE: R-3 Sec/Blk/ Lot: 66-1-11

**DESCRIPTION OF EXISTING SITE: One Family House
IS DISAPPROVED ON THE FOLLOWING GROUNDS:**

- 1. Proposed attached 12' x 12' side deck will not meet minimum 40' side yard set-back.**


BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-3 USE: Bulk Tables F-6

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:	40'	22.8'	17.2'
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REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

COPY

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$60.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number and Tax Parcel ID #, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Water and Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and there is no fee for this.

FOR OFFICE USE ONLY:
Building Permit #: _____

AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP. DISABILITY & LIABILITY INSURANCE
CERTIFICATES ARE REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

☒ Owner of Premises DOMINICK A. NISI

☒ Address 725 MT. AILEY RD NEW WINDSOR NY 12553 Phone # 845-561-4590

☒ Mailing Address S/A Fax # _____

Name of Architect _____

Address _____ Phone _____

Name of Contractor _____

Address _____ Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder _____

If applicant is a corporation, signature of duly authorized officer. _____

(Name and title of corporate officer)

1. On what street is property located? On the _____ side of _____
(N, S, E or W)
and _____ feet from the intersection of _____

2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N _____

3. Tax Map Description: Section _____ 66 Block _____ 1 Lot _____ 11

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy _____ b. Intended use and occupancy _____

5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☒ Other

6. Is this a corner lot? No

7. Dimensions of entire new construction. Front 12 Rear _____ Depth 12 Height _____ No. of stories _____

8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____

Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____

Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost _____ Fee \$50.00

PAID

Ch# 1135

date

TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Liéi & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4818
(845) 563-4896 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

(Signature of Applicant)

725 MT. AIRY RD NEW WINDSOR 12553
(Address of Applicant)

(Owner's Signature)

(Owner's Address)

PLOT PLAN

NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS

S

E

M

N

See attached

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

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3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
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12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
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SEP 18 2007

FOR OFFICE USE ONLY:
Building Permit #: 2007-822

AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP, DISABILITY & LIABILITY INSURANCE
CERTIFICATES ARE REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR
ISSUED

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises EUGENE + KALEE MAE
Address 725 MT. AILY RD NEW WINDSOR NY 12553 Phone # 567-0119
Mailing Address S/A Fax # _____
Name of Architect S/A

Phone _____
Name of Contractor ON THE LABEL CO. (STEVE MIRKI) CALL
Address 711 MT. AIRY RD NEW WINDSOR NY 12553 Phone 845-567-742-6638
State whether applicant is owner, lessee, agent, architect, engineer or builder OWNER
If applicant is a corporation, signature of duly authorized officer. _____
(Name and title of corporate officer)

1. On what street is property located? On the EAST side of MT. AIRY RD
(N,S,E or W)
and NORTH 500 feet from the intersection of RT. 94
2. Zone or use district in which premises are situated R-3 Is property a flood zone? Y N X
3. Tax Map Description: Section 110 Block 1 Lot 11
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy RES. b. Intended use and occupancy RES.
5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☒ Other
6. Is this a corner lot? NO ~~YES~~ 12x12 Proposed 12x12
7. Dimensions of entire new construction. Front 12 Rear _____ Depth 12 Height _____ No. of stories _____
8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____
Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____
Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost _____

Fee \$ 50

PAID

CH# 1135

____/____/____
date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors Frank Lisi & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4618
(845) 563-4695 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

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Karen Mann
(Signature of Applicant)

725 Mt. Aiey Rd New Windsor
(Address of Applicant)

Karen Mann
(Owner's Signature)

SLA
(Owner's Address)

PLOT PLAN

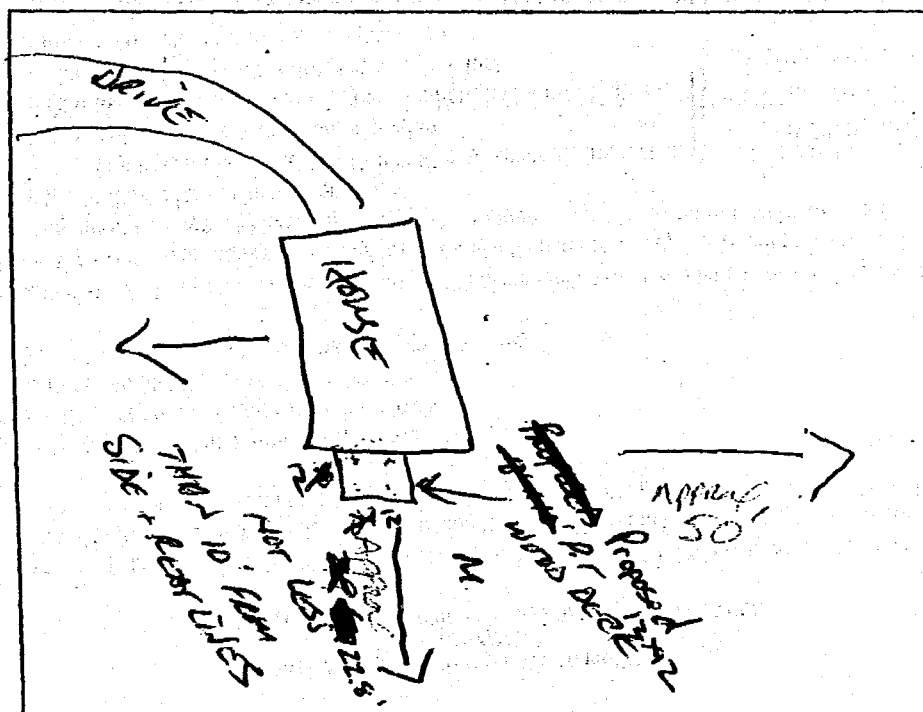
Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.

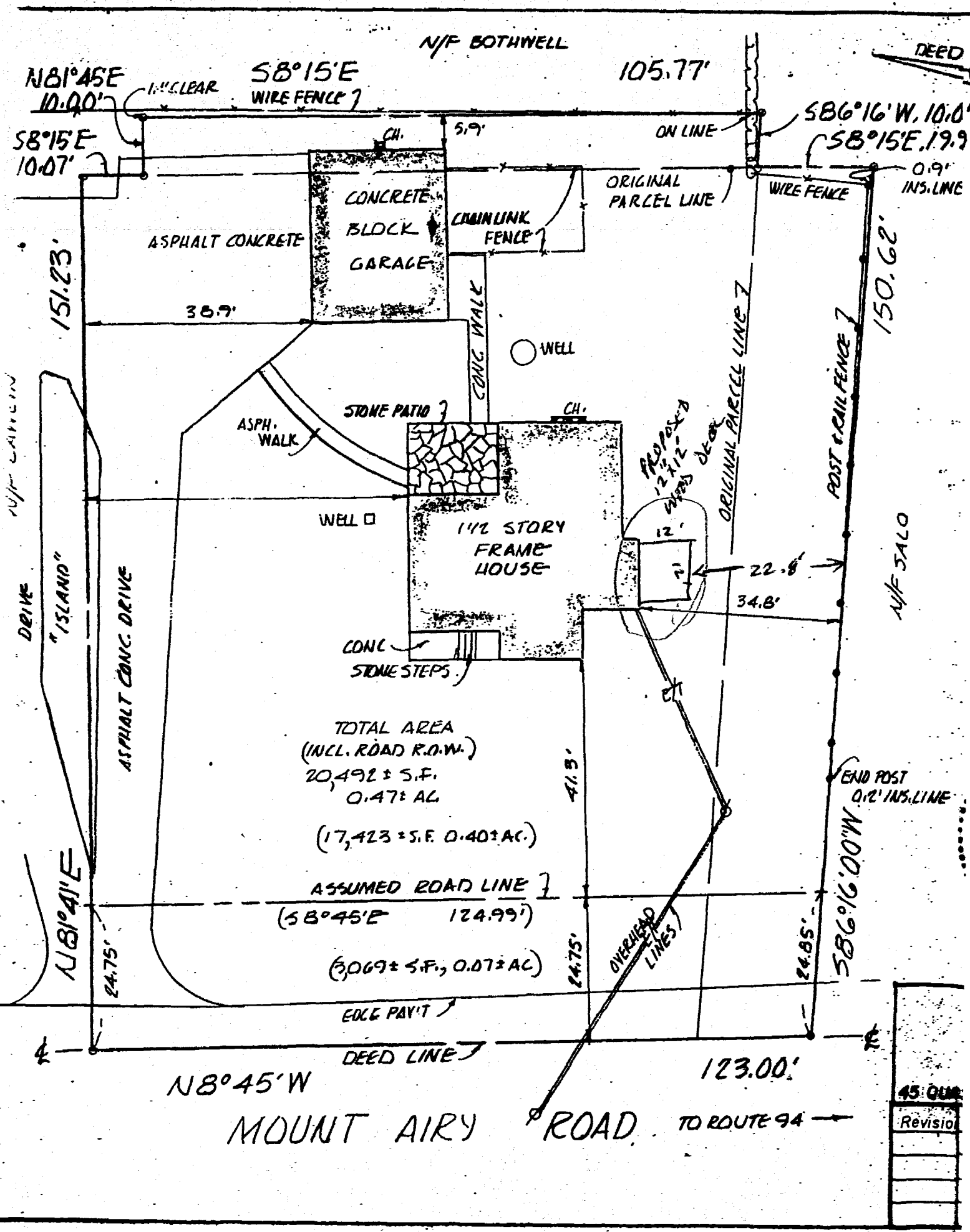
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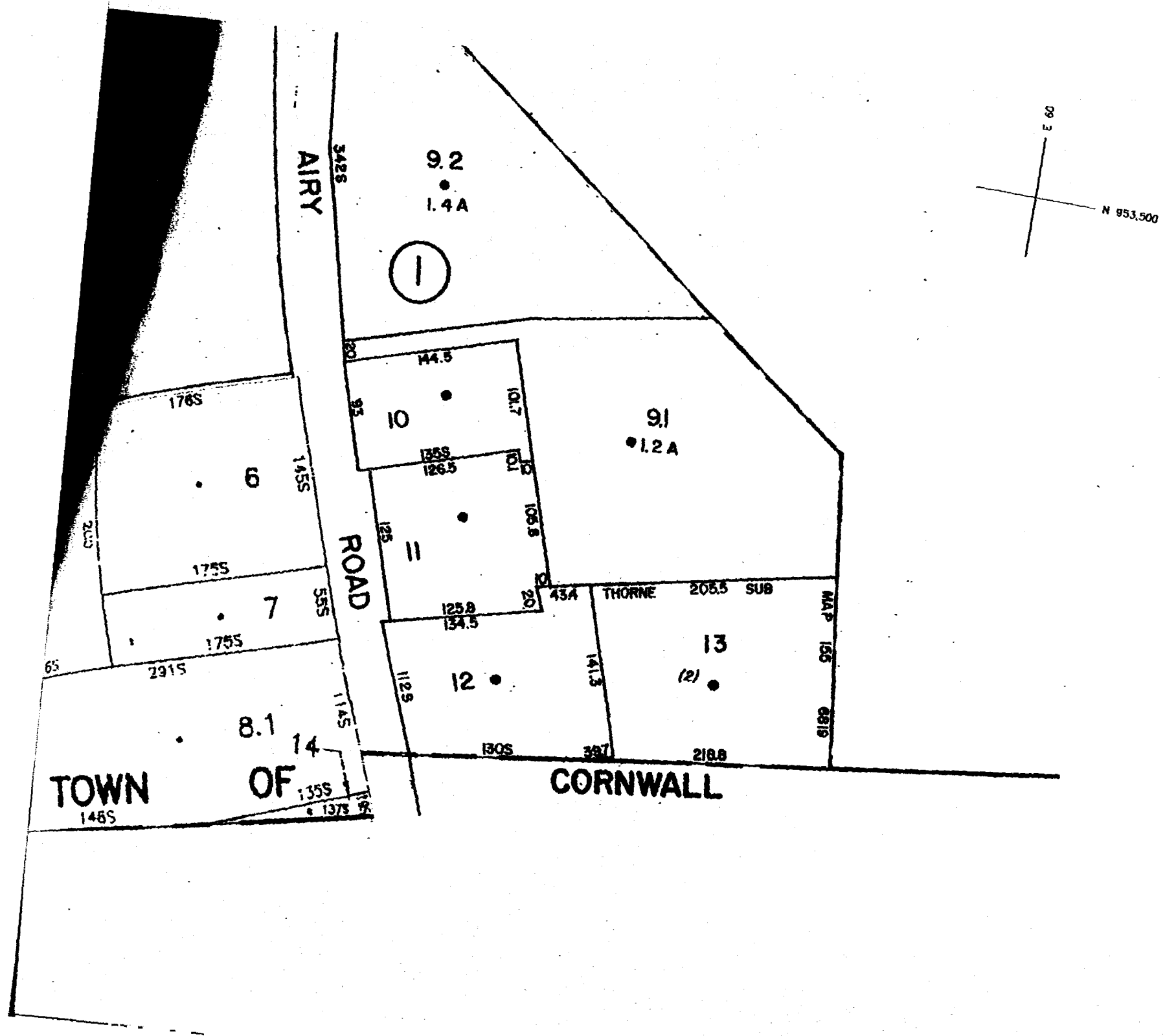
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E





45.00
Revision



N 953.500

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 66-1-11

In the Matter of the Application of

DOMINICK NISI

**MEMORANDUM OF
DECISION GRANTING**

AREA

CASE #07-59

WHEREAS, Dominick Nisi, owner(s) of 725 Mt. Airy Road, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for 17.2 ft. Side Yard Setback for proposed attached 12ft. X 12 ft. side deck at 725 Mt. Airy Road in an R-3 Zone (66-1-11)

WHEREAS, a public hearing was held on January 14, 2008 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Official Town Newspaper, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a residential property located in a neighborhood of residential properties in an R-3 zone.
 - (b) The applicant seeks to construct a deck on the rear of the house.
 - (c) In constructing the deck, the applicant will not remove any trees or substantial vegetation.

- (d) In constructing the deck the applicant will not cause the ponding or collection of water or divert the flow of water drainage.
- (e) In building the deck the applicant will not build on top of nor will it interfere with any easements or rights-of-way including, but not limited to, water, sewer and electrical easements.
- (f) The deck will be consistent in size and appearance with other decks in the neighborhood.
- (g) The proposed or existing deck is immediately adjacent to an exit portal of the building. Without the deck, a safety issue would exist because a person exiting the premises would probably fall and sustain serious physical injury if the deck were not in place.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance(s).

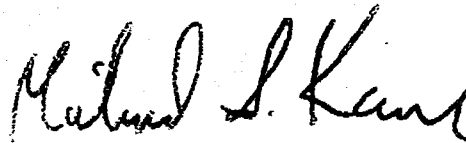
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a Request for 17.2 ft. Side Yard Setback for proposed attached 12ft. X 12 ft. side deck at 725 Mt. Airy Road in an R-3 Zone (66-1-11) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: May 15, 2008

A handwritten signature in cursive script, reading "Michael S. Kane", is written over a horizontal line.

Chairman



THE SENTINEL

P.O. BOX 406
VAILS GATE, NY 12584

Invoice

Date	Invoice #
1/7/2008	1106

Bill To

TOWN OF NEW WINDSOR
555 UNION AVE
NEW WINDSOR, NY 12553

Kupala Kason

P.O. No.	Terms	Project
51866 <i>used</i>	<i>PD 8/10/06</i>	

Issue Date	Description	Rate	Amount
12/28/2007	LEGAL ADS: DOMINICK NISI 07-59 1 AFFIDAVIT	8.69 4.00	8.69 4.00
12/28/2007	LEGAL ADS: NEW WINDSOR SENIOR PROJECT 07-01 1 AFFIDAVIT	7.90 4.00	7.90 4.00
12/28/2007	LEGAL ADS: KATHLEEN FINNERAN 07-58 1 AFFIDAVIT	8.29 4.00	8.29 4.00
12/28/2007	LEGAL ADS: MANGIARACINA SUBDIVISION 05-17 1 AFFIDAVIT	7.90 4.00	7.90 4.00
		Total	\$48.78

PUBLIC NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:
Appeal No. (07-59)
Request of DOMINICK NISI
for a VARIANCE of the Zoning Local Law to Permit:
Request for 17.2 ft. Side Yard Setback for proposed attached 12ft. X 12 ft. side deck at 725 Mt. Airy Road in an R-3 Zone (66-1-11)
PUBLIC HEARING will take place on JANUARY 14, 2008
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 PM.
Michael Kane, Chairman

State of New York

County of Orange, ss:

Kathleen O'Brien, being duly sworn, disposes and says that she is the Supervisor of the Legal Department of the E.W. Smith Publishing Company, Inc., Publisher of The Sentinel, a weekly newspaper published and of general circulation in the Town of New Windsor, Town of Newburgh and City of Newburgh and that the notice of which is annexed is a true copy was published in said newspaper 1 times(s) commencing on the 28th day of December, A.D., 2007 and ending on the 28th day of December, A.D., 2007.

Kathleen O'Brien

Subscribed and shown to before me this 11th day of January, 2007. 2008

Deborah Green

Notary Public of the State of New York

County of Orange

My commission expires _____

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
#4984065
Commission Expires July 15, 2011

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: JACK FINNEGAN, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: 04-18-08
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 175.31 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #07-59

NAME & ADDRESS:

**Dominick Nisi
725 Mt. Airy Road
New Windsor, NY 12553**

THANK YOU,

MYRA

J.F.04-18-08



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECORD OF CHARGES & PAYMENTS**



FILE #07-59 TYPE:AREA TELEPHONE: 561-4590

APPLICANT:

Dominick Nisi
725 Mt. Airy Road
New Windsor, NY 12553

RESIDENTIAL:	\$ 50.00	CHECK # <u>180</u>
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: RESIDENTIAL \$300.00 CHECK # 181



<u>DISBURSEMENTS:</u>	<u>MINUTES</u>	<u>ATTORNEY</u>
	<u>\$7.00 / PAGE</u>	<u>FEE</u>

PRELIMINARY:	<u>4</u>	PAGES	<u>\$ 28.00</u>	<u>\$ 35.00</u>
2 ND PRELIMINARY:	—	PAGES	<u>\$ _____</u>	<u>\$ _____</u>
PUBLIC HEARING:	<u>2</u>	PAGES	<u>\$ 14.00</u>	<u>\$ 35.00</u>
PUBLIC HEARING:	—	PAGES	<u>\$ _____</u>	<u>\$ _____</u>

LEGAL AD: Publish Date:12-28-07 \$ 12.69

TOTAL: \$ 54.69 \$ 70.00



ESCROW POSTED: \$ 300.00
LESS: DISBURSEMENTS: \$ 124.69

AMOUNT DUE: \$ _____

REFUND DUE: \$ 175.31

Cc:

J.F. 04-14-08

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#920-2007

12/06/2007

Nisi, Dominick
276 Temple Hill Rd, #504
New Windsor, NY 12553

Received \$ 50.00 for Zoning Board Fees, on 12/06/2007. Thank you for
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

ZBA # 07-39

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 12-05-07

FOR: 07-59 ESCROW

FROM:

Dominic Nisi
276 Temple Hill Road - Unit 504
New Windsor, NY 12553

CHECK FROM:

same

CHECK NUMBER: 181


TELEPHONE: 561-4590

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:

Penneg 12-6-07
NAME DATE

ZBA #07-59 ESCROW


DOMINICK A. NISI 11/06 561-4590
276 TEMPLE HILL RD. UNIT 504
NEW WINDSOR, NY 12553-6810

181

Date

Oct. 23, 2007

29-1310/0213
047

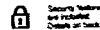
Pay to the
order of

The Town of New Windsor

\$ 300.00

Three Hundred and 00/100

Dollars



Security Watermark
and features
change with time

 **Citizens Bank**

Citizens Circle Account

For Escrow 725 Mt. Airy Rd.

Dominick A. Nisi

⑆021313103⑆ 4004132923⑆ 0181

December 10, 2007

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DOMINICK_NISI_(07-59)

MR. KANE: Request for 17.2 foot side yard setback for proposed attached 12 foot x 12 foot side deck at 725 Mt. Airy Road.

Mr. Dominick Nisi appeared before the board for this proposal.

MR. KANE: Good evening, sir.

MR. NISI: Thank you. I don't know, there may be a misunderstanding. When I filled this out, I was told by the inspector 40 foot was the requirement, we would have 22.8 of a foot available and the variance would be the difference between this and the requirement. But the way this thing is worded, it's got me as a 17.2 side yard setback, the setback is actually more than that, it's 22.8.

MR. KANE: So you're requiring a 17.2 variance.

MR. NISI: Variance from the 40 foot?

MR. KANE: Correct.

MR. NISI: But it says side yard setback.

MR. KANE: That's your requested variance.

MR. KRIEGER: It doesn't say either existing or proposed.

MR. BABCOCK: That's your request, sir.

MR. NISI: It doesn't say variance.

MR. KANE: But that's how it's written.

MR. NISI: So I would have an excess.

MR. KANE: You would have 22.8 foot left if it was approved and you built it so your request is for 17.2, just the wordage.

MR. BABCOCK: Request for 17.2.

MR. NISI: Okay, but did you say it was changed to 50 foot?

MR. BABCOCK: No, you're different.

MR. KANE: New Windsor happens to have a couple different zones where things are slightly different, we have that kind of fun.

MR. BABCOCK: This is an R-3 zone, Mr. Chairman, the last applicant was R-4 zone.

MR. KANE: Okay, so what you want to do, Dominick, again, tell us exactly what you want to do in your words.

MR. NISI: Well, it's an open deck off the kitchen on the south side of the house approximately three foot above finished grade proposed to be 12 foot by 12 foot leaving 22.8 to the southerly property line.

MR. KANE: And the 12 foot x 12 foot deck you wouldn't consider that an oversized deck for your particular neighborhood?

MR. NISI: No, I don't think so.

MR. KANE: Neither do I. Cutting down any trees, substantial vegetation in the building of the deck?

MR. NISI: No.

MR. KANE: Creating any water hazards or runoff?

December 10, 2007

9

MR. NISI: No.

MR. KANE: Any easements running through where you want to put the deck?

MR. NISI: No.

MR. KANE: And obviously, well, you have a set of steps there but without the deck there you believe the deck would be a better safety feature for the access?

MR. NISI: Not necessarily safety.

MR. KRIEGER: Person exiting if there weren't stairs off a deck would fall?

MR. NISI: Yes.

MR. KANE: I tend to lead a little bit.

MR. NISI: Thank you. Just as a point of interest the nearest house is substantially set back from that property line I'd say at least 50, 60 feet.

MR. KANE: Okay, that's pretty clear cut. Any further questions? I'll accept a motion.

MRS. VOLPE: I will offer a motion that we set up Dominick Nisi for a public hearing for his request for 17.2 foot side yard setback for proposed attached 12 foot x 12 foot side deck.

MR. TORPEY: Second it.

ROLL CALL

MRS. VOLPE AYE

MR. BEDETTI AYE

MS. LOCEY AYE

MR. TORPEY AYE

December 10, 2007

10

MR. KANE

AYE

MR. KANE: Everything you need to do is right on there, as soon as you can complete the list, we can get you set up for a public hearing. Okay? Thank you.

DOMINICK_NISI_(07-59)

MR. KANE: Request for 17.2 foot side yard setback for proposed attached 12 ft. x 12 ft. side deck at 725 Mt. Airy Road.

Mr. Dominick Nisi appeared before the board for this proposal.

MR. KANE: I will ask at this point if there's anybody in the audience? Let the record show there's absolutely nobody here. And same as preliminary, tell us exactly what you want to do, speak loud enough for this young lady to hear you.

MR. NISI: It's an open construction deck.

MRS. VOLPE: Just say your name.

MR. NISI: Dominick Nisi, N-I-S-I. It's a simple open deck construction made of treated lumber about 3 feet up from finished grade attached to the house kitchen 12 by 12 and we would be about 22.8 feet from the southerly property line. So the variance would be 17.2 from the 40 foot minimum requirement, all in compliance with the code.

MR. KANE: Cutting down any trees or substantial vegetation in the building of the deck?

MR. NISI: No.

MR. KANE: Creating any water hazards or runoffs?

MR. NISI: No.

MR. KANE: Any easements running through where you want to put the deck?

MR. NISI: No.

January 14, 2008

12

MR. KANE: The size of the deck is 12 foot by 12 foot, do you consider that a normal size for your neighborhood?

MR. NISI: Yes, probably smaller than the average.

MR. KANE: Okay, at this point, I will open and close the public portion of the meeting and ask Myra how many mailings we had.

MS. MASON: On December 26, I mailed out 12 addressed envelopes and had no response.

MR. KANE: Currently you're showing a couple of steps coming from the deck, would you consider it to be a more safe egress from your home with the deck there?

MR. NISI: Sure.

MR. KANE: Any further questions from the board? I'll accept a motion.

MS. LOCEY: I will offer a motion to grant the requested variances on the application of Dominick Nisi as detailed in the Zoning Board of Appeals agenda dated January 14, 2008.

MRS. VOLPE: Second the motion.

ROLL CALL

MRS. VOLPE	AYE
MR. BEDETTI	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE



RESULTS OF Z.B.A. MEETING OF: January 14, 2008

PROJECT: Dominick Nisi

ZBA # 07-59

P.B.# _____



USE VARIANCE:

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____

VOLPE _____
BEDETTI _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

VOLPE _____
BEDETTI _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

VOLPE _____
BEDETTI _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

APPROVED: M) _____ S) _____ VOTE: A _____ N _____

VOLPE _____
BEDETTI _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

VOLPE _____
BEDETTI _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y _____ N _____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES ✓
VARIANCE APPROVED: M) Lo S) V VOTE: A 5 N 0

VOLPE A
BEDETTI A
LOCEY A
TORPEY A
KANE A

CARRIED: Y ✓ N 0

No public comment
No trees
No water
No Encumbrs
Normal size
Safety issue

AGENDA DATE: January 14, 2008

AFFIDAVIT OF MAILING

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR
COUNTY OF ORANGE: STATE OF NEW YORK**

-----X

In the Matter of the Application for Variance of

DOMINICK NISI

**AFFIDAVIT OF
SERVICE
BY MAIL**

#07-59

X

STATE OF NEW YORK)

) SS:

COUNTY OF ORANGE)

MYRA L. MASON, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 131 Mt. Airy Road, New Windsor, NY 12553.

That on the 26TH day of **DECEMBER**, 2007, I compared the 12 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason
Myra L. Mason, Secretary

14th day of January, 2008

J. Gallagher
Notary Public

JENNIFER GALLAGHER
Notary Public, State of New York
No. 01GA6050024
Qualified in Orange County
Commission Expires 10/30/12



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-3101

Assessor's Office J. Todd Wiley, Assessor

December 12, 2007

Dominick Nisi
725 Mt. Airy Road
New Windsor, NY 12553

Re: 66-1-11 ZBA#07-59 (12)

Dear Mr. Nisi:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$35.00, minus your deposit of \$25.00.

Please remit the balance of \$10.00 to the Town Clerk's Office.

Please be advised that the above parcel is also within five hundred feet of the Town of Cornwall.

Sincerely,

J. Todd Wiley (dep)

J. Todd Wiley, IAO
Sole Assessor

JTW/lrd
Attachments

CC: Myra Mason, ZBA

66-1-4
Mary & Ronald Mann
708 Mt. Airy Road
New Windsor, NY 12553

95-1-3.2
Etruscan Enterprises, Inc.
C/o Meadowbrook Lodge
New Windsor, NY 12553

66-1-6
Ruth Copeletti
730 Mt. Airy Road
New Windsor, NY 12553

95-1-15
KG Cornwall, LLC
51 N Broadway
Nyack, NY 10960

66-1-7
John Sr. & Shirley Morse
734 Mt. Airy Road
New Windsor, NY 12553

66-1-8
James & Evelyn Dolan
25 Hasbroock Avenue
Cornwall, NY 12518

66-1-9.1
Joseph & Barbara Murphy
719 Mt. Airy Road
New Windsor, NY 12553

66-1-9.2
Steven & Lisa Marchi
711 Mt. Airy Road
New Windsor, NY 12553

66-1-10
William Clarke
721 Mt. Airy Road
New Windsor, NY 12553

66-1-12
Margaret Salo
731 Mt. Airy Road
New Windsor, NY 12553

66-1-13
Enoch Whitfield
Aida Cruz Whitfield
735 Mt. Airy Road
New Windsor, NY 12553

66-1-14
Raymond & Mary Cooke
806 Mt. Airy Road
New Windsor, NY 12553

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

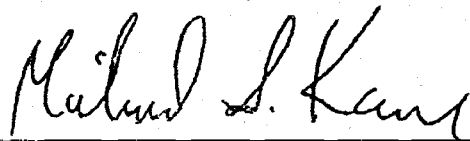
Appeal No. (07-59)

Request of DOMINICK NISI

for a VARIANCE of the Zoning Local Law to Permit:

Request for 17.2 ft. Side Yard Setback for proposed attached 12ft. X 12 ft. side deck at 725 Mt. Airy Road in an R-3 Zone (66-1-11)

**PUBLIC HEARING will take place on JANUARY 14, 2008
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.**

A handwritten signature in dark ink, appearing to read "Michael S. Kane", is written over a horizontal line.

Michael Kane, Chairman



RESULTS OF Z.B.A. MEETING OF: December 10, 2007

PROJECT: Dominick Nisi ZBA # 07-59
P.B.# _____

P.B.#

USE VARIANCE: NEED: EAF _____ PROXY _____

LEAD AGENCY: M)____S)____ VOTE: A____N____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y _____ N _____

PUBLIC HEARING: M)_____ S)_____ VOTE: A_____ N_____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

APPROVED: M)____S)_____ VOTE: A_____N_____

GANN		
LUNDSTROM		
LOCEY		
TORPEY		
KANE		CARRIED: Y N

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) Y S) T VOTE: A 5 N 0

Badetti, Mrs. Volpe ✓
~~Badetti~~ ✓
 LUNDSTROM ✓
 LOCEY ✓
 TORPEY ✓
 KANE ✓

CARRIED: Y N

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES

VARIANCE APPROVED: M)___ S)___ VOTE: A___ N___.

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y_____N_____.

[illegible]

TOWN OF NEW WINDSOR
REQUEST FOR NOTIFICATION LIST

CHECKED BY MYRA: 12-11-07 MM

DATE: 12-11-07 PROJECT NUMBER: ZBA# 07-59 P.B. # _____

APPLICANT NAME: DOMINICK NISI

PERSON TO NOTIFY TO PICK UP LIST:

Dominick Nisi
725 Mt. Airy Road
New Windsor, NY 12553

TELEPHONE: 561-4590

TAX MAP NUMBER: SEC. 66 BLOCK 1 LOT 11
SEC. _____ BLOCK _____ LOT _____
SEC. _____ B LOCK _____ LOT _____

PROPERTY LOCATION: 725 MT. AIRY ROAD
NEW WINDSOR, NY

LIST OF PROPERTY OWNERS WITHIN 500 FT. FOR SITE PLANS/SUBDIVISION _____
(IS NOT PREPARED ON LABELS)

❖ ❖

THIS LIST IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD: _____

SITE PLAN OR SUBDIVISION: (ABUTTING AND ACROSS ANY STREET) _____

SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET) _____

AGRICULTURAL DISTRICT:
(ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'
OF SITE PLAN OR SUBDIVISION PROJECT) _____

❖ ❖

NEW WINDSOR ZONING BOARD XXX

LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT XXX

❖ ❖

AMOUNT OF DEPOSIT: 25.00 CHECK NUMBER: 182

TOTAL CHARGES: _____



12/10



TOWN OF NEW WINDSOR
(845) 563-4615 (MYRA MASON)
ZONING BOARD APPLICATION PACKAGE

PLEASE READ AND COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION (COMPLETE ONLY THE PAGES WITH HIGHLIGHT IN BOX IN LOWER RIGHT CORNER OF EACH PAGE) AND RETURN ONE ORIGINAL AND ONE COPY OF ALL PAPERWORK (unless otherwise specified) TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

RESIDENTIAL: (Three Separate Checks Please)

APPLICATION FEE:	\$ 50.00
*ESCROW:	\$300.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

MULTI-FAMILY: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

COMMERCIAL: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

INTERPRETATION: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

UPON RECEIPT OF ALL APPLICABLE PAPERWORK AND CHECKS, YOU WILL BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING". YOU DO NOT NEED YOUR PUBLIC HEARING LIST OR ENVELOPES FOR THIS FIRST (PRELIMINARY) MEETING.

*

ESCROW

THIS IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, LEGAL ADS, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

**


LIST OF PROPERTY OWNERS
WITHIN 500 FT. RADIUS OF
PROPERTY IN QUESTION:

APPROXIMATE COST FOR
PUBLIC HEARING LIST:

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00

ANYTHING OVER 100 NAMES
IS \$1.00 EA. ADDITIONAL
NAME

PAGE 1

 **COMPLETE ONLY THE PAGES WITH CHECKED BOX IN CORNER OF PAGE. PLEASE SUBMIT ONE ORIGINAL AND ONE COPY OF ALL PAPERWORK (unless otherwise specified).**

PUBLIC HEARING LIST OF PROPERTY OWNERS

1. UPON RECEIPT OF ALL APPLICABLE CHECKS AND PAPERWORK, YOUR APPLICATION WILL BE PROCESSED AND YOUR \$25.00 DEPOSIT WILL BE SENT TO THE ASSESSOR'S OFFICE TO ORDER YOUR LIST OF PROPERTY OWNERS WITHIN 500 FEET. **(NOTE: YOU DO NOT NEED THIS LIST OR THE ENVELOPES FOR YOUR FIRST (PRELIMINARY) MEETING. Please do not call the Assessor's Office looking for your list – they will contact you when it is ready or if necessary, call Myra at 845-563-4615.**
2. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR PUBLIC HEARING LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THE LIST WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE). BRING ENOUGH ENVELOPES PREPARED WITH **YOUR** RETURN ADDRESS AND A REGULAR \$~~00~~ STAMP WITH YOU....**YOUR PUBLIC HEARING DATE WILL BE SET AT THIS TIME.**
3. WHEN YOU COME IN TO PICK UP YOUR LIST, ALLOW YOURSELF ENOUGH TIME TO FINISH PREPARING THE MAILINGS HERE AT THE TOWN HALL. YOU WILL BE GIVEN ENOUGH "**NOTICES OF PUBLIC HEARING**" TO PUT ONE IN EACH ENVELOPE AND SEAL IT. (It may be easier for you if you bring self-sealing envelopes.)
4. **BRING THE COMPLETED ENVELOPES TO THE ZONING BOARD SECRETARY FOR MAILING. BY DOING IT THIS WAY, WE AVOID HAVING TO SEND EACH ENVELOPE "CERTIFIED MAIL" WHICH IS VERY COSTLY.**

NOTE:

THE ZBA MEETS ON THE 2ND AND 4TH MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**



APPLICATION FOR VARIANCE

OCT. 23, 2007

Date

Application Type: Use Variance ☐ Area Variance ☒
Sign Variance ☐ Interpretation ☐

e-mail address: _____

I. Owner Information:

DOMINICK NISI

(Name)

725 MT. AIRY ROAD NEW WINDSOR, N.Y. 12553

(Address)

Phone Number: (845) 561-4590

Fax Number: ()

II. Applicant:

DOMINICK NISI

(Name)

725 MT. AIRY ROAD, NEW WINDSOR N.Y. 12553

(Address)

e-mail address: _____

Phone Number: (845) 561-4590

Fax Number: ()

III. Forwarding Address, if any, for return of escrow:

Phone Number: ()

Fax Number: ()

(Name)

(Address)

SAME AS ABOVE.

IV. Contractor/Engineer/Architect/Surveyor/:

Phone Number (845) 742-6638

Fax Number: ()

(Name)

(Address) ON THE LEVEL G.C. STEVE MARKI
711 MT. AIRY RD. NEW WINDSOR, N.Y. 12553

V. Property Information:

Zone: R-3 Property Address in Question: 725 MT. AIRY RD. NEW WINDSOR, N.Y. 12553

Lot Size: 125' x 126' Tax Map Number: Section 66 Block 1 Lot 11

a. Is pending sale or lease subject to ZBA approval of this Application? NO

b. When was property purchased by present owner? OCT. 3, 2007

c. Has property been subdivided previously? NO If so, When: _____

d. Has an Order to Remedy Violation been issued against the property by the
Building/Zoning/Fire Inspector? NO - PERMIT APPLICATION - DISAPPROVED
BY BLDG. DEPT.

****PLEASE NOTE:*****

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

VIII. AREA VARIANCE: (This information will be on your Building Department Disapproval form you receive)

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area			
Min. Lot Width			
Reqd. Front Yd.			
Reqd. Side Yd.	40'	22.8'	17.2'
Reqd. Rear Yd.			
Reqd. St Front*			
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ration**			
Parking Area			

*Residential Districts Only

**Non-Residential Districts Only

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

- IX. **In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

PLEASE ANSWER EACH OF THE FOLLOWING QUESTIONS SPECIFICALLY:

1. Whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; BENEFIT CANNOT BE ACHIEVED BY ANY OTHER METHOD OTHER THAN AN AREA VARIANCE.
2. Whether the requested area variance is substantial; THE REQUESTED AREA VARIANCE IS SUBSTANTIAL AS THE NEW DECK PROPOSED ON THE SOUTH SIDE OF THE HOUSE WILL STILL PROVIDE FOR AMPLE SETBACK FROM ADJACENT PROPERTY LINE.
3. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; THE PROPOSED VARIANCE WILL NOT HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD OR DISTRICT.
4. Whether the alleged difficulty was self-created. THE "ALLEGED DIFFICULTY" WAS NOT SELF-CREATED AS THE PERMIT HAS BEEN DISAPPROVED AND THE DECK IS PRESENTLY - NON-EXISTANT.

**After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

THE NEW DECK WILL ALLOW FOR A VERY COMFORTABLE ENVIRONMENT FOR MY FAMILY TO ENJOY AS AN OUTDOOR PLEASURE, AND ADD TO THE JOY OF OWNING THIS NEWLY PURCHASED HOUSE. ALSO THE NEIGHBORING HOUSE IS CONSIDERABLY SET BACK FROM THE PROPERTY LINE IN QUESTION.

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
-
-

XIII. ATTACHMENTS REQUIRED:

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: **(each payable to the TOWN OF NEW WINDSOR)**
- ☐ One in the amount of \$ 300.00 or 500.00 (escrow)
- ☐ One in the amount of \$ 50.00 or 150.00 (application fee)
- ☐ One in the amount of \$ 25.00 (Public Hearing List Deposit)
- ☐ Photographs of area that variance(s) is/are being requested for showing relationship to property lines (5 or 6) from several angles. **(IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)**

XIV. AFFIDAVIT.

STATE OF NEW YORK)

) SS.:

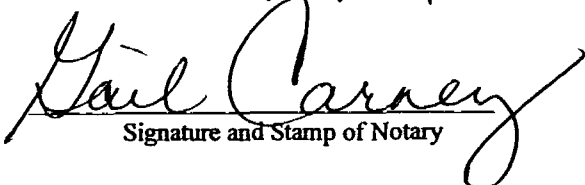
COUNTY OF ORANGE)

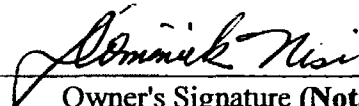
The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

24th day of October 2007.

GAIL CARNEY
Notary Public, State of New York
01CA6058442
Qualified in Orange County
Commission Expires May 7, 2011


Signature and Stamp of Notary


Owner's Signature (Notarized)

DOMINICK NISI
Owner's Name (Please Print)

Applicant's Signature (If not Owner)

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

PROJECT I.D. NUMBER

617.21

SEQR

Appendix C

State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
 For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR <u>DOMINICK NISI</u>	2. PROJECT NAME <u>NEW SIDE DECK</u>
3. PROJECT LOCATION: Municipality <u>NEW WINDSOR, N.Y.</u> County <u>ORANGE</u>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <u>725 MT. AIRY RD. - EAST SIDE OF MT. AIRY RD. - APPROX. 500' NORTH OF</u> <u>RT. 94. Sect./BLK/LOT: 66-1-11. PARTIAL COPY OF TAX MAP ENCL.</u>	
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <u>NEW 12' x 12' SIDE DECK, CONSTRUCTED SOLELY OF TREATED</u> <u>LUMBER, APPROXIMATELY 3 TO 3 1/2 FT. ABOVE GRADE, ATTACHED</u> <u>TO HOUSE WITH ACCESS FROM KITCHEN AND YARD.</u>	
7. AMOUNT OF LAND AFFECTED: <u>N/A</u> Initially _____ acres Ultimately _____ acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly _____	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe: <u>SINGLE FAMILY RESIDENTIAL HOMES</u>	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency(s) and permit/approvals <u>BLDG. PERMIT REQUIRED FROM THE OFFICE OF THE BUILDING INSPECTOR</u> <u>TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK.</u>	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval _____	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u>DOMINICK NISI</u> Date: <u>OCT. 23, 2007</u> Signature: <u>Doménick Nisi</u>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? If yes, coordinate the review process and use the FULL EAF. <input type="checkbox"/> Yes <input type="checkbox"/> No	
B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.8? If No, a negative declaration may be superseded by another involved agency. <input type="checkbox"/> Yes <input type="checkbox"/> No	
C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)	
C1. Existing air quality; surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly: <div style="margin-left: 40px;"><u>NO</u></div>	
C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly: <div style="margin-left: 40px;"><u>NO</u></div>	
C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly: <div style="margin-left: 40px;"><u>NO</u></div>	
C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly: <div style="margin-left: 40px;"><u>NO</u></div>	
C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly. <div style="margin-left: 40px;"><u>NO</u></div>	
C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly. <div style="margin-left: 40px;"><u>NO</u></div>	
C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly. <div style="margin-left: 40px;"><u>NO</u></div>	
D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, explain briefly	

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

- ☐ Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

☐ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide on attachments as necessary, the reasons supporting this determination:

Name of Lead Agency

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (If different from responsible officer)

Date